U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 17850(04) FILE NUMBER:

PROJECT LOCATION INFORMATION:

State: Texas Cameron County:

Center coordinates of site (latitude/longitude): 25 57 07.5; 97 24 10.0 Approximate size of area (parcel) reviewed, including uplands: 50 acres.

Name of nearest waterway: Brownsville Ship Channel

Name of watershed: South Laguna Madre

JURISDICTIONAL	, DETERMINATIO
----------------	----------------

Completed: Desktop determination

	Site visit(s)	۵	Date(s).
Jurisdi	ctional Determination (JD):		
Pre Un	eliminary JD - Based on available	informatio	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable

	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 31.0 acres.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.

Date: 27 July 2005

Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

4. E3	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В. Х	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Brownsville Ship Channel is a conduit for interstate trade and its waters are subject to daily tidal action.

REVISED 7 SEP 04

FILE NUMBER: 17850(04)

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veget	ation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delinear	tion map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follounited States: Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing. Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the decays.3(a). Isolated, intrastate wetland with no nexus to interstate of Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	CFR part 328.3(a)(3). Swing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. d if the irrigation ceased. diking dry land to collect and rposes as stock watering, irrigation, settling basins, or rnamental bodies of water created primarily aesthetic reasons. o construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR ommerce. Resources Conservation Service. Explain rationale:
\bowtie	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: East Bround U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles:	cant, prepared by (company): cd, prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

Galveston

FILE NUMBER:

SWG 05-13-009

PROJECT 1	LOCATION	INFORMA	TION:
-----------	----------	---------	-------

State:

Texas

County: Victoria

Center coordinates of site (latitude/longitude): 28 51 55.2975; 97 05 12.8073 Approximate size of area (parcel) reviewed, including uplands: 0.2 acre.

Name of nearest waterway: Guadalupe River Name of watershed: Lower Guadalupe

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 27 July 2005

Date(s):

J	urise	dictional	Determination	(JD)):
---	-------	-----------	----------------------	------	----

Site visit(s)

	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.041 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

4. 3	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

- (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Shoreline along Guadalupe River.

REVISED 7 SEP 04

FILE NUMBER: SWG 05-13-009

	reral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of terrestrial vegetation □ other: □ other: □ others
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
23	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Victoria West, TX. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: Victoria West, TX. State/Local wetland inventory maps: Victoria West, TX. State/Local wetland inventory maps: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: D-17399; Site 1 PROJECT LOCATION INFORMATION: State: Texas Cameron County: Center coordinates of site (latitude/longitude): 26 08 22.8872; 97 45 55.7725 Approximate size of area (parcel) reviewed, including uplands: 0.08 acre. Name of nearest waterway: Arroyo Colorado Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 27 July 2005 **Completed:** Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the appear to be no "waters of the appear to be no "waters" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: Matter There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre</u>. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in Arroyo Colorado river channel.

REVISED 7 SEP 04

FILE NUMBER: D-17399; Site 1

	ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other: □ others 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: La Feria, TX. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: La Feria, TX. State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston D-17399; Site 2 FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas Cameron County: Center coordinates of site (latitude/longitude): 26 09 44.7732; 97 42 44.9226 Approximate size of area (parcel) reviewed, including uplands: 0.08 acre. Name of nearest waterway: Arroyo Colorado Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 27 July 2005 **Completed:** Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: M There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.0 acre</u>. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in Arroyo Colorado river channel.

REVISED 7 SEP 04

FILE NUMBER: D-17399; site 2

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ others
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
B	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Harlingen, TX. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

Galveston

FILE NUMBER:

D-17399; Site 3

PRO	JECT	LOCATION	INFORMATION:

State:

Texas

County: Cameron

Center coordinates of site (latitude/longitude): 26 11 07.7235; 97 40 00.5163 Approximate size of area (parcel) reviewed, including uplands: 0.08 acre.

Name of nearest waterway: Arroyo Colorado Name of watershed: South Laguna Madre

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 27 July 2005

Date(s):

Site visit(s)

Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.03 acre.</u>
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.0 acre</u> .
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A.	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
X	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
_	and the second s

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [11] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in Arroyo Colorado river channel.

REVISED 7 SEP 04

FILE NUMBER: D-17399; site 3

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
建筑	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Harlingen, TX. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Harlingen, TX. State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston D-17543 FILE NUMBER:

PROJECT LOCATION INFORMATION:

State:

Texas

San Patricio County:

Center coordinates of site (latitude/longitude): 28 02 44.4472; 97 30 1.2403 Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Chiltipin Creek

Name of watershed: Aransas River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date(s):

Date: 28 July 2005

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0 acre.</u>

Matter There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.13 acre</u>.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
35	(2) The presence of interstate waters including interstate wetlands

(2) The presence of interstate waters including interstate wetlands'.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Chiltipin Creek has a high water mark and is a tributary to the Aransas River.

REVISED 7 SEP 04

FILE NUMBER: D-17543

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Sinton, TX. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: West Sinton, TX. State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT	OFFICE:	CESWG-	PE-RCC

FILE NUMBER: D-17446

PR	O.II	ECT	LOCA	TION	INFORM	MATION:

State:

Texas Aransas

County:

Center coordinates of site (latitude/longitude):

27 59' 32"/97 4' 36"

Approximate size of area (parcel) reviewed, including uplands: 1.1 acres.

Name of nearest waterway: Aranasas Bay Mission River Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7/6/05

Date(s):

Jurisdictional Determination (JD):

347	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear t
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

💹 There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
35	(2) The presence of interstate waters including interstate wetlands ¹ .
7	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats
,,	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation of
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
16.00 18.00	(4) Impoundments of waters otherwise defined as waters of the US.
82	(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17446

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
響	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable water's 'studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Estes U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23889

PROJECT LOCA	ATION INF	ORMATION:
--------------	-----------	------------------

State: Texas County: Camer

County: Cameron
Center coordinates of site (latitude/longitude):

26-20-22.9818 97-25-38.3390

Approximate size of area (parcel) reviewed, including uplands: approximately 0.021 acres.

Name of nearest waterway: Arroyo Colorado Name of watershed: Arroyo Colorado

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

3

Date: 29 July 2005

Date(s):

	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 0.021 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in the Arroyo Colorado which is a navigable water and subject to the ebb and flow of the tide, and project site is located near a federal project.

FILE NUMBER: 23889

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
53	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: La Leona, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hotological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic paper service Soil Survey: National wetlands inventory maps: La Leona State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

	UMBER: 15915(01)				
Stat Cou Cen App Nar	e: Texas unty: Victoria ter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including the of nearest waterway: Victoria Barge Canal the of watershed: Guadalupe River	N28.62024 W96.93581 g uplands: 1.0 acres.			
	ICTIONAL DETERMINATION npleted: Desktop determination Site visit(s)	Date: 7/29/05 Date(s):			
Jur ■	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
BASIS (A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "n The presence of waters that are subject to the eb the past, or may be susceptible for use to transport	b and flow of the tide and/or are presently used, or have been used in			

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [11] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [12] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2

Late	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ other: ☐ tidal gages ☐ other:
251	Mean High Water Mark indicated by: ⊠ survey to available datum; ⊠ physical markings; ⊠ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Bloomington SW, TX U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: Bloomington SW, TX State/Local wetland inventory maps: Bloomington SW, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17551

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Live Oak

Center coordinates of site (latitude/longitude):

N28.29165 W98.05722

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: Nueces River Name of watershed: Nueces River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7/29/05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) \times \text{there appear to be no "waters of the preserved to the theorem to be no be n United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: George West, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Hi

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17461

PΡ	OIE	CTI	OCA'	LION	INFORM.	ATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 10' 35"N, 94 59' 59"W Approximate size of area (parcel) reviewed, including uplands: 0.32 acre.

Name of nearest waterway: Ostermayer Bayou Name of watershed: Galveston West Bay

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 22 and 26 July 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Area is non-jurisdictional, consists completely of uplands.

FILE NUMBER: D-17461

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I High Tide Line indicated by: Oil or scum line along shore objects the presence of litter and debris I fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
曹	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas Bas	Sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I O O O O O O O O O O O O O O O O O O	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como, Texas quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: Galveston County Soil Survey National wetlands inventory maps: Lake Como, Texas quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:
correction	Site visit/determination conducted on: 22 and 26 July 2005 Applicable/supporting case law: Other information (please specify): GPS data collected using a Trimble GEO Explorer 3, with BOB for real time data

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17552

PROJECT LOCATION INFORMATION:

State:

TX

County: Starr

Center coordinates of site (latitude/longitude):

26° 22' 41"N, 98° 50' 00"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Rio Grande

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 07/29/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simeg \) there appear to be (or) \(\simeg \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mathematical There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Rio Grande is a navigable water of the US, plus ther are numerous tributaries in the project area.

FILE NUMBER: D-17552

La	Tight ride Ellie indicated by.
	clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	☐ destruction of terrestrial vegetation ☐ tidal gages ☐ shelving ☐ other:
	other:
<u>a</u>	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
3.00 100 100 100 100 100 100 100 100 100	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
7777 1.2	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 □ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: □ Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
<u>:</u> ※	Maps, plans, plots or plat submitted by or on behalf of the applicant.
M	Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 2005, prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
3	Data sheets prepared by the Corps.
	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
蒸	U.S. Geological Survey 7.5 Minute Topographic maps:
M	U.S. Geological Survey 7.5 Minute Historic quadrangles:
<u> </u>	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
1	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)
	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995
墨	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on: 03/02/18 & 03/04/05 Applicable/supporting case law:
園	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17187

PROJECT LOCATION INFORMATION:

State:

TX

County: Brazoria

Center coordinates of site (latitude/longitude):

28° 59' 45"N, 95° 41' 11"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Cedar Lane

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 07/29/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wewtland are part of a surface tributary of a water of the U.S.; Cedar Lake.

FILE NUMBER: D-17187

Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is	foi
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 2005, prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 17 June 2005	
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil clear the presence of litter and debris that she will be considered the construction of terrestrial vegetation clear the construction of terrestrial vegetation clear the construction of exact the construction of the construction of exact

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17342

PR	OJE	CT	LOC	ATION	INFOR	RMAT	FION:
----	-----	----	-----	-------	-------	------	-------

State:

Texas

County:

Orange Center coordinates of site (latitude/longitude):

Lat: 30-14-23.1267 N Long: 94-0-11.9943 W

Approximate size of area (parcel) reviewed, including uplands: 27 acres.

Name of nearest waterway: Ten Mile Creek Name of watershed: Neches River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12 July 2005 Date(s): 26 July 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Ø Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17342

Cordinary High Water Mark indicated by:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pine Forest, Tex. Photorevised 1974 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Orange County Panel 25 of 250 dated 6 January 1983 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 26 July 2005 Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	NCT OFFI NUMBER:		CESWG D-17486			
			FORMATION:			
	ate:	Texas				
C	ounty:	Montgon	nery			
A N	pproximate	size of are rest waterw	te (latitude/longi a (parcel) review ay: Unnamed T ring Creek	ed, includi	ng uplands: _u	' 54"N, 95° 28' 15"W _unknown ach
HIRIS	DICTION	AL DETE	RMINATION			
			determination		Date: Date(s):	07/27/05
Jı	ırisdiction2	al Determi	nation (JD):			
	United S	States" and				appear to be (or) there appear to be no "waters of the ss" on the project site. A preliminary JD is not appealable
×		ed JD – An ll that appl		an appealab	ole action (Ref	eference 33 CFR part 331).
	There the revie	e are "navi ewed area.	igable waters of t Approximate siz	he United S se of jurisdi	States" (as defictional area:	efined by 33 CFR part 329 and associated guidance) within
			ers of the United proximate size o			33 CFR part 328 and associated guidance) within the 0.67-ac
	□ There	e are "isol				or wetlands" within the reviewed area. ratory Bird Rule Information Sheet for Determination of No.
RASIS	OF HIRIS	SDICTIO	NAL DETERM	INATION:	•	
A E	. Waters The pres	defined unsence of wa	nder 33 CFR pa	rt 329 as " ect to the e	navigable was bb and flow of	aters of the United States": of the tide and/or are presently used, or have been used in e or foreign commerce.
B	(1) The	presence of	f waters, which a	re currently	y used, or were	of the United States": ore used in the past, or may be susceptible to use in are subject to the ebb and flow of the tide.
	(2) The 1	presence of	f interstate water	s including	interstate wet	etlands ¹ .
	(3) The part sandflats destruction (i) v	presence or s, wetlands ion of which which are o	f other waters such, sloughs, prairie th could affect in or could be used	ch as intrast potholes, values terstate cor by interstate	tate lakes, rive wet meadows, nmerce includ e or foreign tra	vers, streams (including intermittent streams), mudflats, s, playa lakes, or natural ponds, the use, degradation or iding any such waters (check all that apply): ravelers for recreational or other purposes.
						and sold in interstate or foreign commerce. by industries in interstate commerce.
F	(4) Impo	oundments	of waters otherw	rise defined	l as waters of t	the US.
Z	(5) The	presence of	f a tributary to a	water ident	rified in (1) – ((4) above.
	(6) The	presence of presence of	f territorial seas. f wetlands adjace	ent ² to other	r waters of the	e US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary to Panther Branch, Spring Creek, and San Jacinto River, a navigable water of the United States.

FILE NUMBER:

D-17486

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix, inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated _June 2005, prepared by (company):, This office does not concur with the delineation report, dated, prepared by (company):, prepared by (company):, prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tamina, 1998 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Aerial Resources Conservation Service Soil Survey: National wetlands inventory maps: NWI maps, USFWS, 1998 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FIRM 100-year Floodplain Elevation is: Aerial Photographs (Date): Site pics Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or

U.S. Army Corps of Engineers

FILE	NU	CT OFFIC		CESWG D-16300/04	NI.							
S C C A N	State Cour Cent Appr Nam	e: nty: er coordir roximate s	Texas Jefferson nates of sit size of are est waterw	te (latitude/lor a (parcel) revi ay: Tiger Ba	ngitude): iewed, inclu	29° ding upland	53' 1 ls: _U:	14"N, 93° ! nknown	59' 57"V	V		
				RMINATION determination (s)		Date: Date(s)		07/27/05				
J	uri	sdictional	l Determi	nation (JD):								
]	United St	tates" and	ased on availa for "navigable part 331).	able informa waters of the	tion, 🛭 <i>the</i> he United S	ere app tates"	pear to be (or) on the project	☐ <i>there ap</i> site. A pre	opear to b liminary .	be no "water JD is not ap	rs of the pealable
	Ø	Approved Check all			is an appeal	lable action	(Refe	rence 33 CFR	part 331).			
		There	are "nav wed area.	igable waters Approximate	of the Unite size of juri	d States" (a sdictional ar	ıs defii rea: _	ned by 33 CFR	. part 329 a	nd associa	ated guidan	ce) within
		☑ There reviewed	are "wat area. Ap	ers of the Uni proximate siz	ted States" e of jurisdic	(as defined tional area:	by 33 un	CFR part 328 known	and associa	nted guida	nnce) within	the
		There	are "isol	ated, non-nav Decision sup Jurisdiction.	pported by S	a-state wate WANCC/M	rs or v Aigrate	wetlands" with ory Bird Rule I	in the revie	wed area. Sheet for	r Determina	ation of No
Ā	4	Waters of	defined un	iters that are s	part 329 as	s "navigable e ebb and fle	ow of	ers of the Unit the tide and/or or foreign comr	are present	: tly used, o	or have been	n used in
[]]	(1) The printerstate (2) The r	oresence of or foreign oresence of	f waters, which n commerce, f interstate was	ch are currer including al aters includi	ntly used, or I waters whi ng interstate	r were ich are e wetl:	the United States used in the paste subject to the ands ¹ .	st, or may be ebb and flo	ow of the	tide.	
	·	sandflats destruction (i) v	, wetlands on of which are of from which	s, sloughs, prach ch could affect or could be us th fish or shel	nirie pothole et interstate of sed by inters lfish are or o	s, wet mead commerce in tate or forei could be take	lows, p ncludi ign tra cen and	rs, streams (inc playa lakes, or ng any such wa velers for recre d sold in interst	natural pon aters (check ational or o ate or forei	ds, the us all that a other purp gn comm	se, degradat apply): ooses. erce.	ion or
ı		(4) Impo	undments	of waters oth	erwise defir	ned as water	rs of th	y industries in i ne US.	interstate co	ommerce.		
		(5) The p	oresence o	of a tributary to of territorial se	o a water ide	entified in (1) – (4	1) above.				
		(7) The p	oresence o	of wetlands ad	jacent ² to ot	her waters o	of the	US, except for	those wetla	ands adjad	cent to othe	r wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-16300/04

Lat	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank miles of the presence of litter and debris miles of the character of soil miles of the shell or debris deposits (foreshore) miles of the character of soil miles of the ch
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
PBS&J	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur South U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: NWI maps, USFWS, 1998 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FIRM 315 of 600, 1983 100-year Floodplain Elevation is: Aerial Photographs (Date): Site pics Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Knowledge of the area

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE N	CT OFFICE: JMBER: CT LOCATION IN	CESWG D-17493 FORMATION:			
State	e: Texas				
Cou	•			200 221	4 CHN OFO OOL 42884
App Nan	ter coordinates of sire roximate size of are ne of nearest waterwine of watershed: We		e): including	29° 33° g uplands: _6	16"N, 95° 09' 42"W .5-acres
	ICTIONAL DETE npleted: Desktop Site visit	determination	Ø Ø	Date: Date(s):	07/26/05
Juri	isdictional Determi	nation (JD):			
		or "navigable water			ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable
×	Approved JD - An Check all that appl		ppealable	e action (Ref	erence 33 CFR part 331).
	There are "nave the reviewed area.	igable waters of the Approximate size o	United St f jurisdic	tates" (as defitional area:	ined by 33 CFR part 329 and associated guidance) within
		ers of the United Sta proximate size of ju			CFR part 328 and associated guidance) within the
	There are "isol				wetlands" within the reviewed area. Fory Bird Rule Information Sheet for Determination of No
	Waters defined up The presence of wa	iters that are subject	329 as "no to the eb	b and flow of	ters of the United States": The tide and/or are presently used, or have been used in or foreign commerce.
B.	(1) The presence o interstate or foreign	f waters, which are on commerce, includi	currently ng all wa	used, or were ters which ar	the United States": used in the past, or may be susceptible to use in e subject to the ebb and flow of the tide.
	(3) The presence o sandflats, wetlands destruction of which are (i) which are (ii) from which	s, sloughs, prairie po ch could affect inters or could be used by i h fish or shellfish ar	as intrasta tholes, we state com- interstate e or could	te lakes, rive et meadows, merce includ or foreign tra I be taken an	ands'. rs, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ing any such waters (check all that apply): evelers for recreational or other purposes. d sold in interstate or foreign commerce. y industries in interstate commerce.
	(4) Impoundments (5) The presence o (6) The presence o	of waters otherwise f a tributary to a wat f territorial seas.	defined a er identif	as waters of the direction in (1) – (4)	he US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-17493

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank The presence of litter and debris Changes in the character of soil D destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
. 🛮	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas S	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Friendswood, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA FIRM 1070of 1135, 48201C1070K, April 2000 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 DOQQ CIR Other photographs (Name & Date): 1995 DOQQ CIR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17386

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

29-40-59E / 94-11-29N

Approximate size of area (parcel) reviewed, including uplands: 2.0 acres.

Name of nearest waterway: Willow Slough

Name of watershed: Salt Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 29 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17386

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Agent/Tom Westbrook @ DynMcDermott
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Astural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23859

PΩ	O	IF	CT	T	0	~ A	T	ı	N	T	VE	a	p	M	A	TI	O	N٠
ГΚ	.	JĿ	CI.	L	v	$-\mu$	11	ľ	717	11	٦r	, ,	Л	IVI	м		v	٧.

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30.1651N; 95.4709W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 29 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.67.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Compliance Verification D-17486

FILE NUMBER: 23859

ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated June 2005, prepared by (company): Entrix This office does not concur with the delineation report, dated June 2005, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tamina U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geological Sur

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23882

	CCT LOCATION INFORMATION:
	ute: Texas unty: Fort Bend
	unty: Fort Bend nter coordinates of site (latitude/longitude): Latitude 29° 30' 48" N; Longitude -95° 32' 31"W
۸,	proximate size of area (parcel) reviewed, including uplands: 199 acres.
	me of nearest waterway: Flatbank Creek
	me of watershed: Austin-Oyster Huc: 12040205
140	ine of watershed. Trustin Oyster 1140. 120 10200
JURIS	DICTIONAL DETERMINATION
C	mpleted: Desktop determination 🛛 Date: 28 July 2005
	mpleted: Desktop determination
Ju	risdictional Determination (JD):
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).
	111 1 (7.0 0.00)
X	
	Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdictional area:
	the terror of allow. Approximate only of jurisdictional allow.
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.
	Jurisdiction.
RASIS	OF JURISDICTIONAL DETERMINATION:
A	
	the past, or may be susceptible for use to transport interstate or foreign commerce.
<u>B</u> .	
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
, ,,,,	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
L	(2) The presence of interstate waters including interstate wetlands.
L	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
×	
Ē	(6) The presence of territorial seas.
\triangleright	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands and waters adjacent to Flatbank Creek which is headwater reach of the Brazos River, a navigable water.

FILE NUMBER: 23882

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)									
	Ordinary High Water Mark indicated by: High Tide Line indicated by:									
	☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects									
	the presence of litter and debris fine shell or debris deposits (foreshore)									
	☐ changes in the character of soil ☐ physical markings/characteristics									
	destruction of terrestrial vegetation tidal gages									
	shelving other:									
	other: Applicant's Plans									
	Mean High Water Mark indicated by:									
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.									
_	Watland have device as shown on the attacked watland delineation man and/on in a delineation man and managed have									
Ц	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:									
Bas	is For Not Asserting Jurisdiction:									
	The reviewed area consists entirely of uplands.									
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).									
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).									
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the									
	United States:									
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.									
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.									
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and									
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or									
	rice growing.									
	Artificial reflecting or swimming pools or other small ornamental bodies of water created									
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.									
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for									
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).									
	Isolated, intrastate wetland with no nexus to interstate commerce.									
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:									
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:									
	Other (explain):									
D 4 (T) 4 T	THE POP WINGSPOOLS PROPERTY AND A SECOND PRO									
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):									
님	Maps, plans, plots or plat submitted by or on behalf of the applicant.									
Ш	Data sheets prepared/submitted by or on behalf of the applicant.									
	This office concurs with the delineation report, dated , prepared by (company):									
	This office does not concur with the delineation report, dated , prepared by (company):									
片	Data sheets prepared by the Corps.									
A	Corps' navigable waters' studies:									
밁	U.S. Geological Survey Hydrologic Atlas:									
図	U.S. Geological Survey 7.5 Minute Topographic maps: Missouri City, Texas Quad									
H	U.S. Geological Survey 7.5 Minute Historic quadrangles:									
H	U.S. Geological Survey 15 Minute Historic quadrangles:									
	USDA Natural Resources Conservation Service Soil Survey:									
	National wetlands inventory maps:									
	State/Local wetland inventory maps:									
片	FEMA/FIRM maps (Map Name & Date):									
H	100-year Floodplain Elevation is: (NGVD) Agrical Photography (Normal & Data): Histograph Agrical Images (H. CAC & TNDIS) dtd 1105, 2002, and 2004									
日	Aerial Photographs (Name & Date): Historical Aerial Images (H-GAC & TNRIS) dtd 1195, 2002, and 2004									
日	Other photographs (Date):									
님	Advanced Identification Wetland maps:									
	Site visit/determination conducted on:									
H	Applicable/supporting case law: Other information (please specify): D-17135 Request for Wetland Delineation Verification in Compliance.									
لتتنا	other information (prease specify). D-1/133 request for metand Defined to infeation in Compitation.									

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17531

PRO.	JEC	T LOCA	TION	INFC)RMAT	ΓΙΟN:		
5	State	:	Texas					
	Cou		Brazon					
						/longitude		Latitude 28° 56; 43:N; Longitude -95° 17' 17"W
								g uplands: 0.35 acres.
1	Nam	e of near	est wate	rway	: Gulf o	f Mexico		
1	Vam	e of wate	rshed:	G	ulf of M	lexico		
JURI	SDI	ICTION	AL DET	ΓERN	1INAT	ION		
	Com	pleted:	Deskto	op det	erminat	ion	oxdot	Date: 27 July 20051
			Site vi	sit(s)				Date(s):
J	Juri	sdictiona	l Deter	mina	tion (JE)):		
[Prelimin	ary JD -	Base	d on av	ailable in	formation	, \square there appear to be (or) \square there appear to be no "waters of the
		United S	tates" a	nd/or	"naviga	able water	s of the U	Inited States" on the project site. A preliminary JD is not appealable
		(Referen	ce 33 C	FR pa	art 331).			
								(D. C
ı	X			-	proved	JD is an a	ippealable	e action (Reference 33 CFR part 331).
		Check al	i that ap	ply:				
		NA mi		•	1.1	641	I I!4 - J C4	
		1 nere	e are n	aviga	oie wate	ers of the	Cinned St	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		the revie	wed are	a. Ap	proxim	iate size o	or jurisaici	ional area.
		Than	are "u	otere	of the I	Inited Sta	itec" (ac c	defined by 33 CFR part 328 and associated guidance) within the
						size of ju		
		Teviewed	i ai ca. 1	тррго	Aimate	Size of ju	iisuiction	ai aica.
		There	e are "i	solate	d. non-i	navigable	. intra-sta	ate waters or wetlands" within the reviewed area.
		1,,,,,,						NCC/Migratory Bird Rule Information Sheet for Determination of No
			Samuel.		risdiction			
BASI	IS O	F JURIS	DICTI	ONA	L DET	ERMINA	ATION:	
1	A.	Waters	defined	unde	er 33 Cl	FR part 3	329 as "na	avigable waters of the United States":
	\boxtimes	The prese	ence of	water	s that ar	re subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
		the past,	or may	be su	sceptibl	le for use	to transpo	ort interstate or foreign commerce.
	В.	Waters	defined	unde	er 33 Cl	FR part 3	328.3(a) a	s "waters of the United States":
	\boxtimes	(1) The p	oresence	of w	aters, w	hich are o	currently u	used, or were used in the past, or may be susceptible to use in
								ters which are subject to the ebb and flow of the tide.
								nterstate wetlands ¹ .
								te lakes, rivers, streams (including intermittent streams), mudflats,
								et meadows, playa lakes, or natural ponds, the use, degradation or
								nerce including any such waters (check all that apply):
								or foreign travelers for recreational or other purposes.
								be taken and sold in interstate or foreign commerce.
								al purposes by industries in interstate commerce.
	Ц							s waters of the US.
							ter identifi	ied in (1) – (4) above.
	Ш	(6) The p	presence	e of te	rritorial	l seas.		
	Ш	(7) The p	oresence	e of w	etlands	adjacent ²	to other v	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17531 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark indicated by:

High Tide Lin

	Crdinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23545(01)

PR	OJE	CT	LOC	ATIC	N I	VFOR	MATION:

State:

TEXAS

County:

BRAZORIA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 258746 E, 3213757 N

Approximate size of area (parcel) reviewed, including uplands: 0.10 acres.

Name of nearest waterway: BRAZOS RIVER

Name of watershed:

12040205

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7-27-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear the limit United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23545(01)

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: in oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basi	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Description EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. □ This office concurs with the delineation report, dated , prepared by (company): □ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: LAKE JACKSON, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Avitural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-12-023

PROJECT LOCATION INFORMATION:

State: County: Texas

County: Chambers
Center coordinates of site (latitude/longitude):

29.6094N; 94.8506W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: East Galveston Bay

Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 28 Jul 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project site is located in open bay

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

FILE NUMBER: SWG-05-12-023

L	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Smith Point U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Other known permits in area.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER: 23886**

PRO	IFCT	LOCA	TION	INFORM	IATION:
rnu		LAN.A		INCIRC	TAIRDIN:

State: Texas County: Jefferson

Center coordinates of site (latitude/longitude): 29° 49′ 52"N, 93° 57′ 34"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands: 2.5 acres.

1	TID	ICD	ICTI	ONAT	DETEDA	MINATION

	Name of nearest waterway: Port Arthur Ship Canal Name of watershed: Sabine Lake	/East Turning Basin
	SDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s)	Date: 27 July 2005 Date(s):
Ju	Jurisdictional Determination (JD):	
۵	Preliminary JD - Based on available informati United States" and/or "navigable waters of the (Reference 33 CFR part 331).	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×	Approved JD – An approved JD is an appealal Check all that apply:	ole action (Reference 33 CFR part 331).
	There are "navigable waters of the United the reviewed area. Approximate size of jurisd	States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:
	There are "waters of the United States" (a reviewed area. Approximate size of jurisdiction	s defined by 33 CFR part 328 and associated guidance) within the onal area:
		tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS	S OF JURISDICTIONAL DETERMINATION	
	Waters defined under 33 CFR part 329 as " The presence of waters that are subject to the e the past, or may be susceptible for use to trans	bb and flow of the tide and/or are presently used, or have been used in
B. 5	(1) The presence of waters, which are currently interstate or foreign commerce, including all w	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide.
	sandflats, wetlands, sloughs, prairie potholes, vector destruction of which could affect interstate con (i) which are or could be used by interstate	ate lakes, rivers, streams (including intermittent streams), mudflats, vet meadows, playa lakes, or natural ponds, the use, degradation or interce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes.
	(iii) which are or could be used for industr (4) Impoundments of waters otherwise defined (5) The presence of a tributary to a water identi (6) The presence of territorial seas.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in the East Turning Basin which is a part of the Port Arthur Canal. The Turning Basin and Canal are a part of the Federal navigation project along the Sabine-Neches Waterway.

La N	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) 23886 Oddingry High Water Mork indicated by:
	Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation
	shelving other: Applicant supplied information
	other: Applicant supplied information
Ø	Mean High Water Mark indicated by:
	⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
П	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	wettand boundaries, as shown on the attached wettand defineation map and/or in a defineation report prepared by.
Bas	sis For Not Asserting Jurisdiction:
-	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
⊠	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	Data sheets prepared by the Corps.
茵	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
図	U.S. Geological Survey 7.5 Minute Topographic maps:
. 3	U.S. Geological Survey 7.5 Minute Historic quadrangles:
吕	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:
吊	National wetlands inventory maps:
茵	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
븝	Advanced Identification Wetland maps: Site visit/determination conducted on:
	Applicable/supporting case law:
百	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-03-001

PROJECT LOCATION IN	NFORMATION:
State: Texas	

County: Liberty

Center coordinates of site (latitude/longitude): 30° 17' 57"N, 95° 07' 06"W (NAD27)

HIDICAL	CTIONAL	DETEDA	AIN A TION

Na	proximate size of area (parcel) reviewed, including uplands: <u>0.08</u> acre. me of nearest waterway: Unnamed tributary of East Fork San Jacinto River me of watershed: East Fork San Jacinto	
	DICTIONAL DETERMINATION mpleted: Desktop determination	
Jui	risdictional Determination (JD):	
5	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "wa United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not (Reference 33 CFR part 331).	
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guid the reviewed area. Approximate size of jurisdictional area:	ance) within
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) with reviewed area. Approximate size of jurisdictional area:	nin the
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determing Jurisdiction.	nation of No
BASIS	OF JURISDICTIONAL DETERMINATION:	
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have be the past, or may be susceptible for use to transport interstate or foreign commerce.	en used in
B. 3	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.	e in
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), n sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degraded destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	
	 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other waters. 	er wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in an unnamed tributary of the East Fork San Jacinto River. East Fork San Jacinto River is a tributary of the San Jacinto River, which is a navigable water of the United States.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) SWG-05-03-001
	Ordinary High Water Mark indicated by: High Tide Line indicated by:
a	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving Applicant supplied information.
	other: Applicant supplied information
	omer. Appnean supplied information
E3	Moon High Water Mark indicated by
U	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	survey to available datum, physical markings, vegetation lines/changes in vegetation types.
	Western I have design as above as the ottenhed western deligation map and/or in a deligation report prepared by
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
D.	of The N.A Assessing Tempelinting
2011111	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
<u> </u>	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
Į į	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	Guid (Ospium).
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated, prepared by (company):
-	This office does not concur with the delineation report, dated, prepared by (company):
<u>Q</u>	Data sheets prepared by the Corps.
巡	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
×	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
Ø	FEMA/FIRM maps (Map Name & Date):
鼠	100-year Floodplain Elevation is: (NGVD)
网	Aerial Photographs (Name & Date):
局	Other photographs (Date):
Ħ	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
ä	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23883 PROJECT LOCATION INFORMATION: State: Texas County: Polk Center coordinates of site (latitude/longitude): 30° 44' 00"N, 95° 05' 22"W (NAD27)

J	URISDI	CTI	ONAL	DET	ERN	1INA	TIO	N

Na	proximate s me of neare me of water	est waterw	ay: Lake L	eviewed, i ivingston	ncludinį	g uplands:0.05 acre.
	DICTIONA mpleted:		determinati		X 3	Date: 25 July 2005 Date(s):
Jui	risdictional	Determi	nation (JD):		
	United Sta	ates" and/	ased on ava or "navigab part 331).	ilable info ole waters	rmation of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
Z	Approved Check all	JD - An that apply	approved Jl	D is an app	pealable	action (Reference 33 CFR part 331).
	There of the review	are "navig ed area.	gable water Approxima	s of the Ui te size of j	nited Sta urisdicti	ites" (as defined by 33 CFR part 329 and associated guidance) within onal area:0.05 acre
	There of reviewed a	are "water area. App	rs of the Un proximate si	nited State ze of juris	s" (as d dictiona	efined by 33 CFR part 328 and associated guidance) within the l area:
	I There a		nted, non-na Decision su Jurisdiction	ipported by	ntra-stat y SWA1	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	The present	efined und ace of wate	der 33 CFF ers that are	R part 329 subject to	as "nay	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
	(1) The pre interstate of (2) The pre (3) The pre sandflats, we destruction (i) whi (ii) fro (iii) wh (4) Impound	or foreign of seence of its essence of of wetlands, so of which ich are or om which are oddments of dements of dements of dements of dements of or foreign which are oddments of dements of the or foreign which are oddments of the or foreign which are odd which	waters, whicommerce, interstate worther waters sloughs, pracould affect could be us fish or shell r could be to f waters oth	ch are curn including aters inclus s such as in airie potho et interstate sed by inte lifish are on used for in- erwise def	rently us all wate ding int ntrastate les, wet e common rstate or r could be dustrial fined as	"waters of the United States": ed, or were used in the past, or may be susceptible to use in rs which are subject to the ebb and flow of the tide. erstate wetlands. lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. d in (1) – (4) above.
	(6) The pres	sence of to	erritorial se	as.		ters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located within Lake Livingston, a navigable water of the United States.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans, 131 elevation.
a	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba:	Sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute His

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 17853(05)

FILE IV	UNIDEK.	17055(0.	<i>'</i>)						
Sta Cor Cer Ap	te: unty: nter coordi proximate	Texas Harris nates of s size of ar est water	ite (latitude/long ea (parcel) revie way: Sims Bayon Buffalo Bayon	gitude): wed, including	Lat: 29.43.07 Log uplands: 1.72 acres				
			ERMINATION determination t(s)	X	Date: 26 July 2005 Date(s):				
Jur	isdictiona	l Determ	ination (JD):						
	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).								
Ø	Approved Check all			an appealable	e action (Reference 3	3 CFR part 331).			
			igable waters of Approximate si		ates" (as defined by 3 ional area:	33 CFR part 329 a	and associated g	uidance) within	
			ers of the United oproximate size of		defined by 33 CFR pa al area:	art 328 and associ	ated guidance) v	within the	
	■ There	are "iso			te waters or wetlands NCC/Migratory Bird			rmination of No	
	Waters of The prese	lefined u	iters that are sub	art 329 as "na ject to the ebb	avigable waters of the pand flow of the tide rt interstate or foreign	and/or are presen		e been used in	

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 17853(05) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-06-006

PR	O	IF.	CT	T	O	C	Δ	T	T	1	N	1	IN	JI	76	7	R	N	1	٨	T	"	1	V	
1 1/	v					٠.	-			. ,	1.4			4 1	٠.	,	м	10		щ.			9 5	ч	

State: County:

Texas

Off Jefferson County - Gulf of Mexico

Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 116,719 acres.

Name of nearest waterway: Gulf of Mexico Name of watershed: Gulf of Mexico

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

M

Date: 26 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-05-06-006

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:
面	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17514

PROJECT LOCATION	INFORMATION:
------------------	--------------

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

Lat: 29.35.00 Long: 95.02.32

Approximate size of area (parcel) reviewed, including uplands: 0.012 acres.

Name of nearest waterway: Taylor Lake Name of watershed: Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 26 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the or the content of the content o
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mathere are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Matthere are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17514

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil Adestruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
٥	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas E	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): The applicant is performing all work above the mean high tide. No wetlands will be impacted.
DATA I	Other (explain): The applicant is performing all work above the mean high tide. No wetlands will be impacted. REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geologi

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23873

PROJEC Stat	CT LOCATION INFORMATION: e: Texas
	nty: Brazoria
	ter coordinates of site (latitude/longitude): Latitude 29° 32' 35"N; Longitude -95° 19' 24"W
	proximate size of area (parcel) reviewed, including uplands: 113 acres.
	ne of nearest waterway: West Mary's Creek
	ne of watershed: West Galveston Bay Huc: 12040204
JURISD	ICTIONAL DETERMINATION
Cor	npleted: Desktop determination
	Site visit(s) Date(s):
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	check an that apply.
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
DACIC (DE MIDIODICTIONAL DETERMINATION.
	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
Ħ	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
П	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
靣	(6) The presence of territorial seas.
\boxtimes	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site contains headwaters of Mary's Creek and wetlands adjacent to Mary's Creek. Mary's Creek is a tributary to Clear Creek which is a navigable water of the United States subject to ebb and flow of the daily tide in its lower reaches.

12

FILE NUMBER: 23873

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:			
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.			
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).			
DATA I	Other (explain): Determined through wetland delineation verification D-126674. REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pearland, Texas Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Wetland Delineation Verification De-16674			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-39-010

	T LOCATION INFO	DRMATION:	
State Cou			
Cen App Nan	ter coordinates of site (roximate size of area (ne of nearest waterway	parcel) reviewed, includi	
		•	
	ICTIONAL DETERM npleted: Desktop det Site visit(s)		Date: 25 July 2005 Date(s):
Juri	isdictional Determina	tion (JD):	
		"navigable waters of the	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An ap Check all that apply:	proved JD is an appealal	ble action (Reference 33 CFR part 331).
	There are "naviga" the reviewed area. Ap	ble waters of the United oproximate size of jurisd	States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:		
	D D		state waters or wetlands" within the reviewed area. /ANCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS C	Waters defined under The presence of water	s that are subject to the	: 'navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.
в. П	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.		
	(3) The presence of of sandflats, wetlands, sl destruction of which of (i) which are or of (ii) from which fi	ther waters such as intras- oughs, prairie potholes, could affect interstate cor- ould be used by interstate ish or shellfish are or cou	state lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or immerce including any such waters (check all that apply): the or foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce.
	(4) Impoundments of(5) The presence of a(6) The presence of te	waters otherwise defined tributary to a water iden- erritorial seas.	d as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Adjacent to Clear Creek, a tributary that becomes navigable farther south.

404

FILE NUMBER: SWG-05-39-010

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)				
	Ordinary High Water Mark indicated by: High Tide Line indicated by:				
	clear, natural line impressed on the bank oil or scum line along shore objects				
	the presence of litter and debris fine shell or debris deposits (foreshore)				
	changes in the character of soil physical markings/characteristics				
	destruction of terrestrial vegetation				
	shelving other:				
	other:				
Ш	Mean High Water Mark indicated by:				
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.				
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:				
Ш	wetiand boundaries, as shown on the attached wetiand defineation map and/of in a defineation report prepared by				
Doo	is For Not Asserting Jurisdiction:				
Das Ti	The reviewed area consists entirely of uplands.				
Ы	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).				
Ħ	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).				
H	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the				
	United States:				
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.				
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.				
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and				
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or				
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created				
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.				
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is				
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR				
	328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce.				
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:				
	Prior converted cropiand, as determined by the Natural Resources Conservation Service. Explain rationale.				
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:				
	Other (explain):				
	Carlot (enplant)				
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):				
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant.				
F	Data sheets prepared/submitted by or on behalf of the applicant.				
	This office concurs with the delineation report, dated , prepared by (company):				
	This office does not concur with the delineation report, dated , prepared by (company):				
	Data sheets prepared by the Corps.				
X	Corps' navigable waters' studies:				
	U.S. Geological Survey Hydrologic Atlas:				
図	U.S. Geological Survey 7.5 Minute Topographic maps: Pearland, Texas				
\boxtimes	U.S. Geological Survey 7.5 Minute Historic quadrangles: Pearland, Texas				
	U.S. Geological Survey 15 Minute Historic quadrangles:				
	USDA Natural Resources Conservation Service Soil Survey:				
	National wetlands inventory maps:				
	State/Local wetland inventory maps:				
	FEMA/FIRM maps (Map Name & Date):				
	100-year Floodplain Elevation is: (NGVD)				
	Aerial Photographs (Name & Date):				
	Other photographs (Date):				
靣	Advanced Identification Wetland maps:				
	Site visit/determination conducted on:				
	Applicable/supporting case law:				
図	Other information (please specify): A wetland delineation has been submitted for verification - it will be submitted to				
	appliance Section for review.				

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-07-027

PROJEC	CCT LOCATION INFORMATION:	
Stat	ate: Texas	
	ounty: Brazoria	
Cen		Latitude 29°34'41"N; Longitude -95°15'33"W
	proximate size of area (parcel) reviewed, including	uplands: 123 acres.
Nan	me of nearest waterway: Clear Creek	
Nan	ime of watershed: West Galveston Bay Huc: 12	2040204
	DICTIONAL DETERMINATION	
Con	ompleted: Desktop determination Site visit(s)	Date: 25 July 2005
	Site visit(s)	Date(s):
Juri	risdictional Determination (JD):	<u>_</u>
	Preliminary JD - Based on available information, United States" and/or "navigable waters of the Ur (Reference 33 CFR part 331).	☐ there appear to be (or) ☐ there appear to be no "waters of the litted States" on the project site. A preliminary JD is not appealable
	(Reference 33 Cr R part 331).	
\boxtimes	Approved JD – An approved JD is an appealable	action (Reference 33 CFR part 331).
	Check all that apply:	and the second of the purchase
		. "/ 1.5" 11 22 CPD 220 1
		tes" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdiction	onal area: .
	☑ There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional	efined by 33 CFR part 328 and associated guidance) within the larea:
	There are "isolated, non-navigable, intra-state	e waters or wetlands" within the reviewed area.
		NCC/Migratory Bird Rule Information Sheet for Determination of No
RASIS	OF JURISDICTIONAL DETERMINATION:	
A.		vigable waters of the United States":
ä	The presence of waters that are subject to the ehh	and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transpor	
В.	Waters defined under 33 CFR part 328.3(a) as	"waters of the United States":
\boxtimes		sed, or were used in the past, or may be susceptible to use in
		ers which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including int	
	(3) The presence of other waters such as intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet	meadows, playa lakes, or natural ponds, the use, degradation or
		erce including any such waters (check all that apply):
		r foreign travelers for recreational or other purposes.
		be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial	
	(4) Impoundments of waters otherwise defined as	
\boxtimes		ed in (1) – (4) above.
\boxtimes	(7) The presence of wetlands adjacent ² to other w	aters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Clear Creek farther south is navigable.

2 FILE NUMBER: SWG-05-07-027 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pearland, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: Pearland, Texas U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date):

Other information (please specify): A wetland delineation has been submitted for verification - it will be submitted to

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

our Compliance Section for review.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23878

FILEN	NUMBER: 238/8	
Sta Cor Cer App Nar	ECT LOCATION INFORMATION: ate: Texas cunty: Galveston enter coordinates of site (latitude/longitude): oproximate size of area (parcel) reviewed, including to time of nearest waterway: Dickinson Bayou time of watershed: Galveston Bay	29.4568N; 95.0186W uplands: 0.5 acres.
	No. of the contract of the con	Date: 25 July 05 Date(s):
Jur	risdictional Determination (JD):	
	Preliminary JD - Based on available information, [United States" and/or "navigable waters of the Un (Reference 33 CFR part 331).	there appear to be (or) there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an appealable a Check all that apply:	action (Reference 33 CFR part 331).
	There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction	es" (as defined by 33 CFR part 329 and associated guidance) within anal area:
	There are "waters of the United States" (as dereviewed area. Approximate size of jurisdictional	fined by 33 CFR part 328 and associated guidance) within the area: 0.50 acre.
	There are "isolated, non-navigable, intra-state Decision supported by SWANG Jurisdiction.	waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of N
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navi The presence of waters that are subject to the ebb a the past, or may be susceptible for use to transport	nd flow of the tide and/or are presently used, or have been used in
B. 3	(1) The presence of waters, which are currently use interstate or foreign commerce, including all waters (2) The presence of interstate waters including inte (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet redestruction of which could affect interstate commercial (i) which are or could be used by interstate or	ed, or were used in the past, or may be susceptible to use in s which are subject to the ebb and flow of the tide. rstate wetlands. lakes, rivers, streams (including intermittent streams), mudflats, neadows, playa lakes, or natural ponds, the use, degradation or rece including any such waters (check all that apply): foreign travelers for recreational or other purposes. et taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.
 (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 23878

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Dickinson, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Min

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG

(6) The presence of territorial seas.

	IUMBER: D17505
Sta Co Ce Ap Na	te: Texas unty: Galveston nter coordinates of site (latitude/longitude): 29.4568N; 95.0186W proximate size of area (parcel) reviewed, including uplands: 0.5 acres. me of nearest waterway: Dickinson Bayou me of watershed: Galveston Bay
	mpleted: Desktop determination Site visit(s) Date: 25 July 05 Date(s):
Jui	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.50 acre.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. 5	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (shock all that apply).

lestruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D17505

Late	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
5	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas B B B	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Dickinson, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. According the Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17510

FILEN	IUMBER: D-17510						
Sta Co Cer Ap Na	te: Texas unty: Harris nter coordinates of site (latitude/longitude): Lat: 29.35.00 Long: 95.02.00 proximate size of area (parcel) reviewed, including uplands: 0 acres. me of nearest waterway: Taylor Lake me of watershed: Clear Lake						
	mpleted: Desktop determination Site visit(s) Date: 25 July 2005 Date(s):						
Jurisdictional Determination (JD):							
	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
Α.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.						
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.						

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17510

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)						
	Ordinary High Water Mark indicated by: High Tide Line indicated by:						
	clear, natural line impressed on the bank oil or scum line along shore objects						
	the presence of litter and debris fine shell or debris deposits (foreshore)						
	changes in the character of soil physical markings/characteristics						
	destruction of terrestrial vegetation						
	shelving other:						
	other:						
-							
Ш	Mean High Water Mark indicated by:						
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.						
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:						
凹	wettand boundaries, as shown on the attached wettand defineation map and/or in a defineation report propaged by:						
Rac	is For Not Asserting Jurisdiction:						
-	The reviewed area consists entirely of uplands.						
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).						
局	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).						
睛	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the						
No.	United States:						
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.						
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.						
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and						
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or						
	rice growing.						
	Artificial reflecting or swimming pools or other small ornamental bodies of water created						
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.						
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for						
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is						
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR						
	328.3(a).						
	Isolated, intrastate wetland with no nexus to interstate commerce.						
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:						
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:						
	Other (explain): Applicant will buld bulkhead above the wetlands.						
-	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):						
×	Maps, plans, plots or plat submitted by or on behalf of the applicant.						
	Data sheets prepared/submitted by or on behalf of the applicant.						
	This office concurs with the delineation report, dated , prepared by (company):						
	This office does not concur with the delineation report, dated , prepared by (company):						
4	Data sheets prepared by the Corps.						
	Corps' navigable waters' studies:						
	U.S. Geological Survey Hydrologic Atlas:						
Z E	U.S. Geological Survey 7.5 Minute Topographic maps:						
	U.S. Geological Survey 7.5 Minute Historic quadrangles:						
图	U.S. Geological Survey 15 Minute Historic quadrangles:						
	USDA Natural Resources Conservation Service Soil Survey:						
	National wetlands inventory maps:						
	State/Local wetland inventory maps:						
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)						
	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):						
	Other photographs (Date):						
	Advanced Identification Wetland maps: Site visit/determination conducted on:						
	Site visit/determination conducted on: Applicable/supporting case law:						
吊	Other information (please specify):						
	Onici information (picase specify).						

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23879

FILE	UMBEK:	23879					
Sta Co Ce Ap Na	ite: unty: nter coordi proximate	Texas Harris nates of s size of are	ite (latitude/lea (parcel) re vay: Taylor I Clear Creel	ongitude): viewed, inc	luding	Lat: 29.35.00 Long: 95.02.32 uplands: 0.012 acres.	
JURISI	DICTION	AL DETE	RMINATIO)N			
			determination			Date: 25 July 2005 Date(s):	
Jui	risdictiona	l Determ	ination (JD)	•			
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There	are "isol	ated, non-na Decision su Jurisdiction	pported by	ra-state SWAN	e waters or wetlands" within the reviewed area. ICC/Migratory Bird Rule Information Sheet for Determination of No.	
A.	Waters d The prese	l <mark>efined u</mark> nnce of wa	ters that are s	part 329 a subject to th	s "nav ie ebb a	igable waters of the United States": and flow of the tide and/or are presently used, or have been used in interstate or foreign commerce.	
B.	(1) The printerstate (2) The printerstate (3) The printerstate printerstate (3) The printerstate printerstate printerstate (3) The printerstate prin	resence of or foreign resence of resence of wetlands, n of which hich are o	waters, whice commerce, interstate waters other waters sloughs, prant could affect r could be us	ch are curre including al atters including such as int irie pothole t interstate ed by inters	ntly use ill water ing inter rastate ss, wet a comme state or	"waters of the United States": ed, or were used in the past, or may be susceptible to use in so which are subject to the ebb and flow of the tide. erstate wetlands. lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or rice including any such waters (check all that apply): foreign travelers for recreational or other purposes. e taken and sold in interstate or foreign commerce.	

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23879

ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:							
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.							
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:							
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:							
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):							
Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hinter Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 1							

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.